UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,921	06/21/2001	Marco Peretti	702265.0007	6896

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EXAMINER
REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/884,921	PERETTI, MARCO
	Examiner	**Art Unit**	
	Christopher A. Revak	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-19,21-29 and 31-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15* is/are allowed.

6)☒ Claim(s) *1-3,5-14,16-19,21-29 and 31-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   The finality of the previous Office action is hereby withdrawn in light of the applicant's

arguments; the applicant's submission after final filed on October 18, 2006 has been entered. A

new grounds of rejection has been applied to claims 1-3,5-14,16-19,21-29, and 31-33 in view of

Galipeau et al. The examiner encourages the applicant to arrange an interview with the examiner

upon receiving this office action in an attempt to expedite prosecution.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-3,5-14,16-19,21-29, and 31-33 are rejected under 35 U.S.C. 102(b) as being

anticipated by Galipeau, U.S. Patent 5,799,141.

As per claims 1,18, and 22, Galipeau et al discloses of a method, apparatus, and computer

readable medium containing embedded software for backing up (shadowing) accesses to data

stored on a disk, access is detected to the disk (external storage medium) and a copy of the

accessed data is written to a storage location other than the external storage medium. The

detecting step comprises intercepting an I/O request from the computer to an external storage

media drive in which the storage media is inserted (col. 2, lines 18-25 and col. 3, lines 9-35).

As per claims 2 and 19, it is taught by Galipeau et al of access being a write operation (col. 3, lines 18-20).

As per claim 3, Galipeau et al discloses of accessing being a read operation (col. 3, lines 14-20).

As per claim 5, Galipeau et al discloses of the I/O request includes both read and write requests (col. 3, lines 14-20).

As per claims 6 and 23, it is taught by Galipeau et al of a driver (proxy handler) for the I/O requests and executing it in response to detection of media in the drive (col. 2, lines 18-25 and col. 3, lines 14-20).

As per claims 7,21,24, and 25, the teachings of Galipeau et al disclose of use of an operating system stored in the system memory (col. 3, lines 37-60). It is interpreted by the examiner that the operating system can be instructed to perform commands such as IRP_MJ_READ and IRP_MJ_WRITE since they vary depending upon how the developer identified the code to be executed. Galipeau et al discloses of both read and write operations (col. 3, lines 14-20).

As per claim 8, Galipeau et al discloses of a driver (proxy handler) for the I/O requests and executing it in response to detection of media in the drive (col. 2, lines 18-25 and col. 3, lines 14-20). It is interpreted by the examiner that the operating system can be instructed to perform commands such as IRP_MJ_READ and IRP_MJ_WRITE since they vary depending upon how the developer identified the code to be executed. Galipeau et al discloses of both read and write operations (col. 3, lines 14-20).

As per claim 9, the teachings of Galipeau et al disclose of a driver (proxy handler) for the I/O requests and executing it in response to detection of media in the drive (col. 2, lines 18-25 and col. 3, lines 14-20). It is interpreted by the examiner that the operating system can be instructed to perform a command such as IRP_MJ_READ since they vary depending upon how the developer identified the code to be executed. Galipeau et al discloses of read operations (col. 3, lines 14-20).

As per claim 10, Galipeau et al teaches that the data stored is stored at a location other than the external storage medium is stored at a protected storage location (col. 3, lines 9-35).

As per claim 11, Galipeau et al discloses of writing the data to the external storage medium after the step of writing a copy of the data to a location other than the external storage medium (col. 3, lines 9-35).

As per claim 12, it is taught by Galipeau et al of attaching file systems connected to an external storage medium drive in which the external storage medium is connected and intercepting the I/O request from the computer to the external storage medium drive in which the external storage medium is inserted to check for authenticity (col. 3, lines 9-35 and col. 4, lines 40-59).

As per claim 13, it is disclosed by Galipeau et al that the external storage medium is a compact disk (col. 3, lines 9-13).

As per claim 14, the teachings of Galipeau et al disclose of storing the accessed data onto the computer's disk drive (database)(col. 3, lines 9-35). It is interpreted by the examiner that this information can be queried since it contains similar copies.

As per claim 16, Galipeau et al discloses of the computer is connected to a computer network and the detecting and copying is performed at the computer (col. 4, lines 40-59).

As per claim 17, Galipeau et al teaches of collecting and querying is performed by a user who is authorized (with administrator privileges)(col. 4, lines 40-59).

As per claim 26, Galipeau et al discloses of a driver (proxy handler) for the I/O requests and executing it in response to detection of media in the drive (col. 2, lines 18-25 and col. 6, lines 25-29). File identifiers are stored in a list (col. 6, lines 25-29).

As per claim 27, Galipeau et al discloses of the use of file identifiers (IRP.FsContext values)(col. 6, lines 25-29).

As per claim 28, Galipeau et al discloses of a driver (proxy handler) for the I/O requests and executing it in response to detection of media in the drive. The number of iterations (certain file operations) is counted in determining authenticity of the compact disk (external storage medium) after failing to do so (col. 2, lines 18-25 and col. 4, lines 40-59).

As per claim 29, Galipeau et al discloses of the computer running an operating system and that includes a driver (proxy handler) for the I/O requests and executing it in response to detection of media in the drive (col. 2, lines 18-25 and col. 4, lines 40-59).

Allowable Subject Matter

4.   Claim 15 is allowed.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794.

The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR
November 19, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER